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10/799,461	03/12/2004	Brian Gerard Goodman	TUC920040001US1	7713

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EXAMINER	
KARIMI, PEGEMAN	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
10/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/799,461	GOODMAN ET AL.	
	Examiner	Art Unit	
	Pegeman Karimi	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *45-57* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *45-57* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on 07/20/2007 has been entered and considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 45-57 are rejected under 35 U.S.C. 102(b) as being anticipated by Kayser (U.S. Patent 6,089,453).

As to claim 45, Kayser discloses a system comprising (system of Fig. 2):

a network (communication network, 27); and

electronic devices (20), a plurality of said electronic devices (20) each comprising:

a network interface (31) to said network (27):

an electronic persistent visual display (156) mounted at said electronic device (col. 46, lines 47-48).

Said electronic persistent visual display having an input (C, conductor), said electronic persistent visual display configured to provide a visual label display (Fig. 17a,

317) which persists indefinitely The information on the label can be changed see Fig. 18b) . Until updated by an input signal at said input (col. 12, lines 12-18 and col. 68, lines 55-61);

At least one operational element (158); and

A processor (146) configured to operate said at least one operational element (col. 66, lines 21-23);

Said processor configured to store information regarding said electronic device (the processor stores the display tag address, col. 66, lines 38-43); and

Said processor configured to, in response to a predetermined state (start-up), provide an update input signal (product information) at said electronic persistent visual display input (20), said update input signal comprising selected said information regarding said electronic device stored by said processor (software initialization, col. 13, lines 37-42 and col. 69, lines 35-41), said update signal to update said visual label display of said electronic persistent visual display (col. 12, lines 12-14).

As to claim 46, Kayser teaches wherein said predetermined state (start-up) of said processor of said at least one electronic device (20) comprises a power-on and/or reset of said electronic device (col. 26, lines 59-60).

As to claim 47, Kayser teaches wherein said processor of each of said plurality of electronic devices comprises:

a programmable computer processor (col. 68, lines 63-67) and said predetermined state (power-on self-test) of said processor comprises completion of an update to computer readable program code (displaying the received data packet) of said programmable computer processor (col. 69, lines 14-19).

As to claim 48, Kayser teaches wherein said processor (146) of each of said plurality of electronic devices (20) additionally is configured to update said information regarding said electronic device stored by said processor (col. 68, lines 37-46) with status information (new look up table) related to said update to computer readable program code of said programmable computer processor (col. 26, lines 46-56), and said processor update signal selected information comprises at least said status information (col. 26, lines 46-49).

As to claim 49, Kayser teaches wherein said processor of each of said plurality of electronic devices comprises:

programmable logic (display driver, 158) and said predetermined state of said processor comprises completion of an update to said programmable logic (252, col. 69, lines 17-19).

As to claim 50, Kayser teaches wherein said processor of each of said plurality of electronic devices additionally is configured:

to update said information regarding said electronic device stored by said processor (col. 26, lines 46-50) with a version number of said updated to said programmable logic (new display tag to be added), and said processor update signal selected information (look-up table) comprises at least said version number of said update to said programmable logic (252, col. 69, lines 17-19).

As to claim 51,Kayser teaches wherein said predetermined state of said processor comprises:

a state achieved (steps 1344 through 1347, fig. 13e) in response to an indication of completion (new display tag) of an engineering change to said electronic device (adding a display tag, col. 27, lines 39-41 and lines 55-57).

As to claim 52, Kayser teaches wherein said processor of each of said plurality of electronic devices additionally is configured:

to update said information regarding said electronic device stored by said processor (col. 68, lines 37-43) with an engineering change number of said engineering change to said electronic device (1344, fig. 13e), and said processor update signal selected information comprises at least said engineering change number of said engineering change (col. 68, lines 40-46), (steps 1344-1347).

As to claim 53, Kayser teaches wherein said predetermined state of said processor comprises:

a state achieved (step 1344 through 1347) in response to an indication of a change to said at least one operational element (new tag setup, col. 27, lines 55-57).

As to claim 54, Kayser teaches wherein said processor of each of said plurality of electronic devices additionally is configured:

to update said information regarding said electronic device stored by said processor (col. 68, lines 37-43) with status information related to said change to said at least one operational element (1344, fig. 13e), and said processor update signal selected information comprises at least said status information (col. 68, lines 40-46).

As to claim 55, Kayser teaches wherein said predetermined state of said processor comprises a state achieved (steps 1344 through 1347) in response to a signal received at said network interface (new tag setup, col. 27, lines 55-57, col. 18, lines 1-7, col. 68, lines 40-46).

As to claim 56, Kayser teaches wherein said processor of each of said plurality of electronic devices additionally is configured to select (address which matches its stored address) said information stored by said processor in accordance with said signal received at said network interface (col. 18, lines 1-7, col. 68, lines 40-46).

As to claim 57, Kayser teaches wherein said system comprises an automated data storage library (162), and wherein said electronic devices (20) comprise electronic devices of said automated data storage library (col. 66, lines 60-64).

Response to Arguments

4. Applicant's arguments filed on 7/20/2007 have been fully considered but they are not persuasive.

On page 8, paragraph 2, the applicant argues that Kayser does not teach or suggest among other features, an operational element of an electronic device operated by a processor configured to operate said at least one operational element. Kayser clearly teaches an operational element, display driver, which operates a display of an electronic device controlled by a CPU to show information such as barcode, price, or description of an item or merchandise.

On Page 9, paragraph 2, the applicant argues that Kayser provides no operational element of each electronic device. Kayser clearly teaches the display driver, which is an operational element that operates the display of each tag.

On Page 9, paragraph 2, the applicant mentions that claimed displays are of information regarding said electronic device. Kayser still reads on the claims that the displays of the tags are to display information such as barcode, price, or description, which is assigned to the electronic devices of selected item or merchandise.

On Page 9, paragraph 3, the applicant argues that Kayser teaches away from applicant's claim of "said processor configured to, in response to a predetermined state

(start-up), provide an update input signal (product information) at said electronic persistent visual display input (20), said update input signal comprising selected said information regarding said electronic device stored by said processor (software initialization, col. 13, lines 37-42 and col. 69, lines 35-41). Kayser clearly teaches that at initialization/start-up the tag is ready to begin monitoring the conductor to determine whether an information pack, such as a product information as arrived from the area controller. Once the information pack has arrived the tag compares the received information address to the address of the tag and if the information packet is for the tag the tag identifies and executes the necessary action associated with the received information packet.

On Page 10, paragraph 1, applicant argues that Kayser does not teach or mention providing information regarding each of particular electronic devices where the display is part of the particular electronic device. Kayser clearly teaches each of the electronic devices, tags, have a display associated with them to display information on the tag.

On page 10, paragraph 2, applicant argues that Kayser does not teach or mention a system comprising: a network and electronic devices, a plurality of said electronic devices each comprising a network interface to said network. Kayser clearly teaches a communication network in which a system controller communicates with the display tags through area controller. The system controller is also connected to an in-store computer to receive updated information regarding the electronic devices.

Applicant argues that Kayser teaches away from applicant's updating a display in response to a predetermined state of the processor at each electronic device. Kayser clearly teaches at initialization/start-up the tag is ready to begin monitoring the conductor to determine whether an information pack, such as a product information as arrived from the area controller. Once the information pack has arrived the tag compares the received information address to the address of the tag and if the information packet is for the tag the tag identifies and executes the necessary action associated with the received information packet.

On Page 13, paragraph 3, applicant argues that Kayser teaches away from applicant's updating a display wherein the selection is made by the processor at each electronic device. Kayser clearly teaches when the switch is triggered, processor captures the address and associated information data and initiating the normal run mode in the display tag, where the display tag will continuously display the information data which is contained in the memory of the display tag until it receives an updated information.

On Page 13, paragraph 4, applicant argues that Kayser is unrelated to an automated data storage library. Kayser clearly teaches an automated data storage library where the addresses of the tags are stored.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pegeman Karimi whose telephone number is (571) 270-1712. The examiner can normally be reached on Monday-Thursday 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571) 272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pegeman Karimi
October 12, 2007

CHANH D. NGUYEN
SUPERVISORY PATENT EXAMINER